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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Detention of international civil servants and their families

Updated report of the Secretary-General prepared pursuant to Commission on Human Rights resolution 1995/39

CONTENTS

	Paragraphs	Page
Introduction	1 - 2	2
I. RECENT DEVELOPMENTS	3 - 18	2
A. Note by the Secretary-General to the Fifth Committee of the General Assembly	3 - 9	2
B. Information submitted by individual organizations and United Nations subsidiary organs and offices or joint subsidiary organs	10 - 18	4
II. RECENT CASES	19 - 28	6
III. STATUS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL	29 - 32	8
Annex: Consolidated list of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection		10

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INTRODUCTION

1. In its resolution 1995/39, the Commission on Human Rights requested the Secretary-General to submit to the Commission at its fifty-second session a report on the status of the Convention on the Safety of United Nations and Associated Personnel, on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases which have been successfully settled since the preparation of the last report, and on the implementation of the measures referred to in the resolution. The present report is submitted pursuant to that resolution.

2. For background information, see the report submitted to the Commission at its fifty-first session (E/CN.4/1995/40, paras. 1 to 19).

I. RECENT DEVELOPMENTS

A. Note by the Secretary-General to the Fifth Committee of the General Assembly

3. A note dated 9 October 1995 and submitted by the Secretary-General to the Fifth Committee of the General Assembly on behalf of the members of the Administrative Committee on Coordination on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/50/3) covers the period from 1 July 1994 to 30 June 1995. In its section II, on the security and safety of officials, it states that the fact that 14 civilian staff members, belonging to different organizations, lost their lives during the reporting period and through the preparation of that report is of particular concern. Annex II to the report contains the following list of staff members who have lost their lives since 1 July 1994:

Name	Nationality	Agency	Place/date of incident	Cause of death
Lopez-Herrera, Jose	France	UNHCR	Kirundo, Burundi 13 August 1994	Gunshot wounds
Murenzi, Jules	Rwanda	WFP	Gikongoro, Rwanda 30 August 1994	Gunshot wounds
Mahmoodi, Mehrali	Islamic Republic of Iran	UNHCR	Milak Bes, Islamic Republic of Iran 3 September 1994	Knife wounds
Ibrahim, Labib	Egypt	UNICEF	Qena, Egypt 17 September 1994	Gunshot wounds during ambush
Tembe, Alfredo	Mozambique	UNDP	Maputo, Mozambique 24 September 1994	Gunshot wounds
Sacramento, Joachim	Sao Tomé and Principe	WFP	Luanda, Angola 25 October 1994	Gunshot wounds

Name	Nationality	Agency	Place/date of incident	Cause of death
Emana, Diriba	Ethiopia	ECA	Addis Ababa, Ethiopia 8 November 1994	Killed during robbery
Naingonn, Yamnalbaye	Cameroon	UNICEF	Maroua Province, Cameroon 14 November 1994	Gunshot wounds during ambush
Sultan, Majdi Ahmad	Palestine	UNRWA	Gaza city 18 November 1994	Stray bullet
Hailu, Zekarias	Ethiopia	UNHCR	Moyale, Ethiopia 22 December 1994	Gunshot wounds
Lahrache, Ouassini	Algeria	United Nations	Algiers, Algeria 7 March 1995	Gunshot wounds
Sengɔga, Alphonse	Burundi	UNICEF	Bujumbura, Burundi 2 April 1995	Ethnic violence
Vila, Munira	Bosnia and Herzegovina	UNPROFOR	Sarajevo, Bosnia and Herzegovina 15 April 1995	Sniper fire
El-Khawaja, Mahmoud Arafat	Palestine	UNRWA	Gaza Strip 22 June 1995	Gunshot wounds

4. Annex I of the note by the Secretary-General summarizes the cases of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection. That list is reproduced in the annex to the present report.

5. The Secretary-General recalled that the safety and integrity of United Nations personnel must be respected and stressed that, in the case of the organizations of the United Nations system and their officials, Governments are considered to have a special responsibility under the Charter of the United Nations or respective constitutional instruments of other organizations of the United Nations system. It is recognized that the United Nations is increasingly called upon to operate in areas where there is no Government or where the Government is unable to fulfil its commitments under the Charter.

6. Over the past two years, the trend has been for a decrease in the number of staff members arrested or detained. Regrettably, this trend has now been reversed by the aggravated situation existing in Rwanda, where numerous locally recruited United Nations staff members have been detained. A number of initiatives have been taken both at the local level by the Special Representative of the Secretary-General and by the United Nations Resident Coordinator, as well as by other senior officials visiting Rwanda, to bring to

the attention of Rwandan authorities the unresolved questions relating to those cases. In addition, a legal representative has been dispatched to Kigali with the purpose of further pursuing the dialogue with the Rwandan authorities on the question of the detention of United Nations staff members.

7. Another concern relates to the drafting into military service of local staff working for the United Nations Peace Forces. There have been growing numbers of instances where, in contravention of article V, section 18 (c), of the Convention on the Privileges and Immunities of the United Nations, locally recruited staff members of the Organization have been drafted into the military services.

8. With regard to restrictions of official and private travel of officials of the United Nations, the specialized agencies and related organizations, restrictions imposed by the United States authorities on the private travel by staff members and their dependants who are nationals of particular countries remained in force. In that regard, the Secretary-General maintained his well-known position of principle, which he has expressed on several occasions in the past, that such restrictions applied to United Nations staff solely on the basis of nationality are discriminatory.

9. Information concerning travel restrictions on UNRWA personnel is provided below (para. 12).

B. Information submitted by individual organizations and United Nations subsidiary organs and offices or joint subsidiary organs

1. United Nations Relief and Works Agency for Palestine Refugees in the Near East

(a) Arrest and detention of UNRWA staff

10. There was a continuing reduction in the number of staff members who were arrested and detained by the Israeli authorities during the reporting period; a total of 10 were detained in the West Bank, compared with 15 in the West Bank in the preceding year. Two remained in detention as at 30 June 1995. Following the establishment of the Palestinian Authority, a total of 58 staff members in the Gaza Strip were arrested and detained by the Palestinian Police Force during the period, by the end of which 9 were still in detention. A total of 4 staff members were detained in Jordan, 2 in the Syrian Arab Republic and 1 in Lebanon, of whom only 1 staff member in Jordan remained in detention by the end of the reporting period. A total of 75 staff members were detained throughout the area of operations during the period under review; of these, 61 were released without charge or trial, 2 were sentenced and 12 remained in detention as at 30 June 1995.

11. As in previous years, while the Agency continued to make frequent approaches to the relevant authorities in all its areas of operation, it was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. The Agency had access to one staff member from the West Bank and two from the Gaza Strip detained by the Israeli

authorities in prisons and detention centres in Israel. In comparison with previous years, UNRWA experienced noticeably more difficulty in obtaining access to staff detained by the Israeli authorities, despite strenuous efforts to do so. The Agency has so far obtained access to one staff member detained by the Palestinian Authority. Although these detentions have tended to be for relatively short periods, the treatment and state of health of staff members in detention continued to be of particular concern to the Agency, with staff members complaining, after their release by the Israeli authorities, of having been subjected to various forms of physical and psychological mistreatment. Despite continued approaches to the relevant Governments, the Agency remained unable to visit staff detained in Jordan, Lebanon and the Syrian Arab Republic.

(b) Travel restrictions

12. During the reporting period, the Israeli authorities instituted progressively stricter measures by way of exit permits and checkpoint controls, including searches, further to those reported last year, on entry into and exit from the Gaza Strip and the West Bank. As a result, the movement of UNRWA staff and vehicles into and out of the West Bank and the Gaza Strip was considerably impeded and on occasion prevented. On a number of occasions, following incidents inside Israel, permits were cancelled generally and their replacement resulted in substantial delays in the running of the Agency's operations. The sealing of the West Bank and the Gaza Strip from Israel during Israeli holidays also resulted in substantial delays. The Agency had at times to use international staff members as drivers, to alleviate in a practical manner the difficulties encountered. Difficulties were exacerbated during the reporting period, with UNRWA staff who held West Bank and East Jerusalem identity cards being prevented from entering the Gaza Strip without special permits, which at times were obtained by staff members only after lengthy delays. Israeli military personnel repeatedly insisted on subjecting UNRWA vehicles leaving the Gaza Strip, including vehicles carrying senior Agency officials, to various forms of search, including partial dismantling and the use of inspection pits, on occasion causing damage to UNRWA vehicles. Those searches extended to inspection of the Agency's diplomatic pouch. The personal belongings of staff members, including those of international staff, were on occasion also searched. The intermittent closure of certain roads within the Gaza Strip by the Israeli authorities also caused practical difficulties in the movement of staff and vehicles and the delivery of Agency services. There continued to be lengthy delays in the clearance of local staff for official travel through Israel as well as between the West Bank and Jordan via the Allenby Bridge.

(c) Security and safety of UNRWA staff

13. Two staff members were killed during the period under review, in comparison with four during the previous year. On 18 November 1994, during disturbances in Gaza City, an UNRWA school attendant visiting a hospital there was hit by a stray bullet and died instantly. On 22 June 1995, an UNRWA sanitation labourer was shot dead by unknown gunmen in Beach Camp in the Gaza Strip.

14. Following the entry into effect of the provisions of the Cairo Agreement of 2 May 1994, referred to in last year's report, the Agency continued to experience a decreasing trend in instances of mistreatment of staff members in the occupied territories by members of the Israeli security forces. Twelve such cases in the West Bank and none in the Gaza Strip were reported.

2. Office of the United Nations High Commissioner for Refugees

15. With regard to respect for the privileges and immunities of officials of the United Nations system, it is advised that the overall situation shows little sign of improvement.

16. Indicators of lack of respect for privileges and immunities include kidnappings, detentions, vehicle hijackings, arbitrary vehicle searches, arbitrary searches of personal belongings, etc. Many of these acts are not investigated by the local authorities and, as a consequence, the impression is created that they can be indulged in with total impunity. It is this that leads to the incidents of killing which have become such a tragic feature of United Nations operations in many parts of the world.

17. What, if anything, can be done about this situation? The breakdown of strong central authority in many of UNHCR's areas of operation has led to serious deficiencies in the application of the rule of law. In such circumstances, there is little that can be done other than formally and vigorously to protest each incident of failure to respect the privileges and immunities of staff and ensure that they are mentally as prepared as possible, through training, briefings and access to protective equipment, to deal with potentially dangerous or life-threatening situations. In addition, the immediate availability of stress-management professionals to deal with critical incident debriefings will be of immense benefit to them.

3. International Labour Organisation

18. ILO had its international staff evacuated from Rwanda in the light of the civil strife. Thereafter, five local ILO officials of Rwandan nationality were killed there. ILO has not made a specific request to the new Government in regard to possible action it might take, but should the United Nations make such a request, these five cases should be included.

II. RECENT CASES

19. On the occasion of the consideration of recent cases, the Secretary-General wishes to congratulate the Association for the Security and Independence of International Civil Servants (ASIICS) on its activities, particularly on its being awarded the René Maheu International Civil Service Prize on 17 November 1995. According to its regulations, the prize, which was named after the former Director-General of UNESCO, Mr. René Maheu, is intended to "promote the prestige of the international civil service, in the spirit of the United Nations Charter and the Constitution of UNESCO". ASIICS was awarded the prize for its successful action since 1988 with various United Nations bodies with a view to the adoption of decisions protecting international civil servants from threats to their security, independence and

at times their lives, for its training and information activities and for its defence of individual cases, in particular before the administrative tribunals of the United Nations system. The Secretary-General draws the attention of the Commission on Human Rights to the following cases which are either still pending or recently clarified:

Pending cases

Carmelo Soria Espinosa case

20. The case of Carmelo Soria Espinosa, a staff member of the Economic Commission for Latin America and the Caribbean (ECLAC), murdered in Santiago, Chile, on 14 July 1973, by agents of the Mulchen Brigade of the National Intelligence Agency (DINA), was reconsidered by the Supreme Court of Chile in May 1995. The Court decided that two of the suspected killers, retired Colonel Guillermo Humberto Salinas Torres and retired Sergeant José Remigio Ríos San Martín, would be prosecuted, respectively, as the perpetrator of and accomplice in the murder of Carmelo Soria. The judge handling the case denied the request that several of the other persons involved in the murder of Carmelo Soria, including three members of the armed forces on active duty, should be summoned to appear.

21. In a press release dated 25 May 1995, ECLAC expressed the hope that the case would be definitively settled and justice done. The release also recalled that the United Nations was willing to cooperate fully with the judicial authorities.

Alec Collett case

22. On 25 March 1995, it was 10 years since Alec Collett was kidnapped near Beirut, Lebanon, while on assignment for UNRWA. Alec Collett, formerly a United Nations Information Officer and journalist, was taken from an UNRWA car near Beirut airport on 28 March 1985 by armed men. A group calling itself the "Revolutionary Organization of Socialist Muslims" later claimed responsibility.

23. During Mr. Collett's first year in captivity, two videotapes were issued by his abductors in which he sent messages to his family. In April 1986, a videotape was received by a Beirut television station, which purported to show Mr. Collett being hanged. It was, however, impossible formally to identify Mr. Collett on the tape.

24. Nothing further had been heard about Mr. Collett's fate despite repeated appeals for information about his whereabouts.

25. From 12 to 13 June 1995, a joint staff management mission was conducted in Beirut. The mission comprised the President of the Committee for the Security and Independence of the International Civil Service (CSIICS), the Assistant Secretary-General for Human Resources Management, Mrs. Elaine Collett and the Chairman of CSIICS.

26. Shortly after its arrival in Beirut the team was provided with documents indicating that Mr. Collett had probably been executed in the spring of 1986

and his body buried in the Bekaa Valley. Acting on this information the Government of Lebanon immediately dispatched a team to investigate the report. That team confirmed the existence of a gravesite. A second team comprising United Nations officials was to try to disinter the remains and transfer them to Beirut for further identification; however, various events prevented the team from carrying out its task.

27. Later, the United Nations Security Coordinator, undertook a mission to Lebanon to investigate the case further. The Secretary-General, and the United Nations Security Coordinator on his behalf, reiterate that they are fully committed to resolving the case as expeditiously as possible.

Recently clarified case

28. On 16 May 1994 and 7 July 1994, the Economic Commission for Africa (ECA) informed the United Nations Security Coordinator that Mr. Nadew Kassa, dependent son of Mr. Tsegaye Kassa (Ethiopia), a locally recruited staff member of ECA, had been detained since early February 1994 (see A/C.5/49/6; E/CN.4/1995/40). The Field Security Officer in Addis Ababa has advised the United Nations Security Coordinator that Mr. Nadew Kassa has been at liberty since his release on bail on 5 April 1994.

III. STATUS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

29. By resolution 49/59 of 9 December 1994, the General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel. (For background on the Convention, see E/CN.4/1995/40, paras. 50-57).

30. The adoption of this Convention is a real step forward in that the problems raised by the increasing number of missions in crisis situations are taken into consideration. It should, however, be noted that certain bodies, including the Inter-Agency Standing Committee, had pointed out that the coverage offered by the Convention was limited to personnel of missions decided upon by the Security Council and that it did not include all members of United Nations missions without distinction as to the type of mandate entrusted to them. It was urged in particular that the scope of application of the Convention should be extended to all United Nations staff members on missions and to the personnel associated with these missions, no matter what the nature of the mission.

31. As at November 1995, 1/ the status of signatures and ratifications of the International Convention on the Safety of United Nations and Associated Personnel was as follows:

1/ Multilateral Treaties deposited with the Secretary-General, Status as at 31 December 1994 (ST/LEG/SER.E/13); Supplement to ST/LEG/SER.E/13 - November 1995.

Participant	Action	Date
Argentina	Signature	15 December 1994
Canada	Signature	15 December 1994
Denmark	Signature	15 December 1994
Finland	Signature	15 December 1994
New Zealand	Signature	15 December 1994
Norway	Signature	15 December 1994
Panama	Signature	15 December 1994
Portugal	Signature	15 December 1994
Sweden	Signature	15 December 1994
Ukraine	Signature	15 December 1994
Italy	Signature	16 December 1994
Haiti	Signature	19 December 1994
Spain	Signature	19 December 1994
United States of America	Signature	19 December 1994
Bangladesh	Signature	21 December 1994
France	Signature	12 January 1995
Samoa	Signature	16 January 1995
Germany	Signature	1 February 1995
Brazil	Signature	3 February 1995
Sierre Leone	Signature	13 February 1995
Senegal	Signature	21 February 1995
Tunisia	Signature	22 February 1995
Philippines	Signature	27 February 1995
Pakistan	Signature	8 March 1995
Malta	Signature	16 March 1995
Poland	Signature	17 March 1995
Denmark	Ratification	11 April 1995
Honduras	Signature	17 May 1995
Luxembourg	Signature	31 May 1995
Japan	Signature	6 June 1995
Japan	Acceptance	6 June 1995
Norway	Ratification	3 July 1995
Bolivia	Signature	17 August 1995
Ukraine	Ratification	17 August 1995
Russian Federation	Signature	26 September 1995
Romania	Signature	27 September 1995
Liechtenstein	Signature	16 October 1995
Belarus	Signature	23 October 1995
Fiji	Signature	25 October 1995
Uruguay	Signature	17 November 1995

32. The Secretary-General urges the largest possible number of States to ratify the Convention.

Annex

CONSOLIDATED LIST a/ OF STAFF MEMBERS UNDER ARREST AND DETENTION OR MISSING AND WITH RESPECT TO WHOM THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS HAVE BEEN UNABLE TO EXERCISE FULLY THEIR RIGHT TO PROTECTION

Name	Agency	Place and date of incident
Mr. Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980.
Mr. Izzedine Hussein Abu Khreish	"	Detained in the Syrian Arab Republic since 11 September 1980.
Mr. Mahmoud Hussein Ahmad	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Daulat Mir	FAO	Detained on 28 August 1984 and subsequently conscripted into military service in Afghanistan.
Mr. Alec Collett	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Mr. Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements.
Mr. Saleem Hairan	FAO	Detained and conscripted on 27 January 1988 into military service in Afghanistan.
Mrs. Zainab Aw Jama Adan	WFP	Missing in Somalia since 4 June 1988.
Mr. Mohammed Omar	FAO	Detained and conscripted on 17 May 1989 into military service in Afghanistan.
Mr. Abdul Fattah	WFP	Abducted in Pakistan by unknown elements on 3 September 1989.
Mr. Ahmad Mohamed Ali	"	Detained in Somalia by the Somali National Security Service since 25 May 1990.

Name	Agency	Place and date of incident
Mr. Kassu Asgedom	WFP	Detained in Ethiopia since 4 September 1991.
Mr. Hasan Mohammad Hammad	UNRWA	Detained in the West Bank since 15 February 1993.
Mr. Sami Abdalla Abu Hmaiseh	"	Detained in the Gaza Strip since 11 April 1993.
Mr. Jaber Ali Wahdan	"	Detained in the Gaza Strip since 3 May 1993.
Mr. Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993.
Ms. Sara J'areh	UNRWA	Detained in the West Bank since 24 September 1993.
Mr. Rida Mahmoud Khaled	"	Detained in the West Bank since 18 October 1993.
Mr. Vincent Habineza	UNICEF	Detained in Kigali, Rwanda, since 22 September 1994.
Mr. Alfred Rusigariye	UNAMIR	Detained in Kigali, Rwanda, since 22 September 1994.
Mr. Elizier Cyimanizanye	UNICEF	Detained in Kigali, Rwanda, since 28 October 1994.
Mr. Deo Idanumbira	UNDP	Missing in Rwanda, since 1 November 1994.
Mr. Benoit Ndejeje	"	Detained in Kigali, Rwanda, since 11 November 1994.
Mr. Jean-Marc Ulimubenshi	UNHCR	Detained in Cyangugu, Rwanda, since 15 November 1994.
Mr. Pascal Sebyatsi	WFP	Detained in Kigali, Rwanda, since 6 December 1994.
Mr. Azzam Husni Attaleh	UNRWA	Detained in the West Bank since 12 December 1994.
Mr. Tharcisse Sibomana	UNHCR	Detained in Butare, Rwanda, since 29 December 1994.
Mr. Jean Bosco Rwagaju	"	Detained in Gikongoro, Rwanda, since January 1995.

Name	Agency	Place and date of incident
Mr. Jean Chrisostome Muvunyi	UNHCR	Detained in Gikongoro, Rwanda, since 9 January 1995.
Mr. Charles Ngendahimana	"	Detained in Gikongoro, Rwanda, since 10 January 1995.
Mr. Ahmad Haj Ali Ahmad	UNRWA	Detained in the West Bank since 22 January 1995.
Mr. Khaled Ismail Bakhit	"	Detained in the Gaza Strip by the Palestinian Authority since 29 January 1995.
Mr. Alfred Nsinga	UNAMIR	Detained in Kigali, Rwanda, since 8 February 1995.
Mr. Mathieu Nsengiyaremye	UNHCR	Detained in Cyangugu, Rwanda, since 12 February 1995.
Mr. Luc Birushya	UNDP	Detained in Kigali, Rwanda, since 13 March 1995.
Mr. Athanase Ngendahimana	"	Detained in Kigali, Rwanda, since 25 March 1995.
Mr. Joseph Nsabimana	UNHCR	Detained in Butare, Rwanda, since 25 March 1995.
Mr. Aloys Byugura	UNICEF	Detained in Muhima, Rwanda, since 4 April 1995.
Mr. Ahmad Mohammed Hamdan	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 9 April 1995.
Mr. Prosper Gahamanyi	UNDP	Detained in Kigali, Rwanda, since 12 April 1995.
Ms. Clotilde Ndagijimariya	UNICEF	Detained in Butare, Rwanda, since 14 April 1995.
Mr. A. Madi Muhareb El Haj	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 15 April 1995.
Mr. Bassam Khalid El Aila	"	Detained in the Gaza Strip by the Palestinian Authority since 15 April 1995.

Name	Agency	Place and date of incident
Mr. Alexis Mbanzamihigo	UNAMIR	Detained in Gitarama, Rwanda, since 24 April 1995.
Mr. Hasan Ibrahim El Muzayyen	UNRWA	Detained in the Gaza Strip by the Palestinian El Muzayyen Authority since 30 April 1995.
Mr. Mazin Arbid	"	Detained in the Gaza Strip by the Palestinian Authority since 18 May 1995.
Mr. Hasan A. Hamid Deeb	"	Detained in the Gaza Strip by the Palestinian Authority since 20 June 1995.
Mr. Boniface Rutagungira	UNICEF	Detained in Kigali, Rwanda, since 20 June 1995.
Mr. Mahmoud Sager El Zatma	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 24 June 1995.
Mr. Imad Ibrahim Kh. Mustafa	"	Detained in Jordan since 24 June 1995.
Mr. Khaled Mohd Sheikh El Eid	"	Detained in the Gaza Strip by the Palestinian Authority since 26 June 1995.
Mr. Maher Salem	"	Detained in the Gaza Strip by the Palestinian Authority since 25 July 1995.
Abbas Sempija	UNHCR	Detained in Kigali, Rwanda, since 7 August 1995.

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a/ The consolidated list contains in chronological order the names of staff members who remained under detention or missing as of 7 August 1995. The list, however, is not compiled to provide information on all cases of staff members who have been arrested, detained or missing in the past or on the cases where staff members have lost their lives in the performance of official duties.